

¹ This form is to be used when a deposition is taken on written interrogatories. It may be appropriately modified when used for an oral deposition. (See generally, RCM 702, MCM, 1984.)

² Strike out words not applicable.

³ General, special, or summary court-martial, military commission, court of inquiry, or military board.

⁴ Insert name or title of person who is requested to authorize the taking of the deposition. A separate letter complying with RCM 702(c)(2) should be enclosed.

⁵ To be subscribed by the trial counsel or other person requesting the deposition with name, rank, unit/command name, and official title, as "trial counsel," "defense counsel," "summary court," "recorder," etc. Describe legal qualifications, as "certified in accordance with Article 27(b)," "member of the bar of the Supreme Court of _____" etc.; if none, so state.

⁶ If it is desired to give special instructions, there should be added "special instructions attached."

INTERROGATORIES AND DEPOSITION ¹

UNITED STATES)

v.)

In the Matter of ²)

Deposition of _____ (stationed) (residing) ²

at _____ to be read in evidence before a ³

_____ of the United States,

convened to meet at _____ by _____

_____ dated _____, _____.

TO: ⁴ _____

It is requested that you authorize the deposition of the above-named witness to be taken on the following interrogatories.

TRIAL COUNSEL OR OTHER PERSON REQUESTING DEPOSITION ⁵

a. TYPED NAME (Last, First, Middle Initial)

b. OFFICIAL TITLE

c. UNIT/COMMAND NAME

d. LEGAL QUALIFICATIONS

e. SIGNATURE

f. RANK

g. DATE SIGNED

TO: _____

You will take or cause to be taken the deposition of the above-named witness on the following interrogatories, cross-interrogatories, and additional interrogatories, if any. ⁶

By _____ of _____.

PERSON ORDERING DEPOSITION OR PERSON SIGNING THEREFOR

a. TYPED NAME (Last, First, Middle Initial)

b. RANK

c. SIGNATURE

d. OFFICIAL TITLE

e. UNIT/COMMAND NAME

¹ The officer taking the deposition shall administer the following oath to the deponent prior to deposing: "You (swear) (affirm) that the evidence you give shall be the truth, the whole truth, and nothing but the truth, so help you God?"

² If the spaces for answers are not sufficient, extra sheets may be inserted by the officer taking the deposition. In such case, he/she will rewrite the interrogatories, writing the answers immediately below the respective interrogatories.

Interrogatories propounded by the above-named person requesting the deposition are as follows: ¹

First interrogatory: Are you in the military service of the United States? If so, what is your full name, rank, unit/command name, and station? If not, what is your full name, occupation, and residence?

Answer: ²

Second interrogatory: Do you know the accused? If so, how long have you known him/her?

Answer:

Third interrogatory:

Answer:

My answers to the foregoing interrogatories, cross-interrogatories, if any, are indicated above.

WITNESS

a. TYPED NAME (<i>Last, First, Middle Initial</i>)	b. SIGNATURE	c. DATE SIGNED
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CERTIFICATE OF PERSON TAKING DEPOSITION

I certify that the above deposition was duly taken by me on the _____ day of _____, _____; the above-named witness, having been first sworn by me, gave the foregoing answers to the several interrogatories; that the above-named witness was given an opportunity to read his/her testimony after it was reduced to writing, and all corrections desired by the above-named witness were made; and the above-named witness subscribed the foregoing deposition in my presence at _____, this _____ day of _____, _____. I further certify that the detailed reporter was duly sworn by me and that said reporter signed in my presence the reporter's certificate appearing below.

OFFICER TAKING DEPOSITION

a. TYPED NAME (<i>Last, First, Middle Initial</i>)	b. RANK	c. SIGNATURE	d. DATE SIGNED (YYYYMMDD)
e. UNIT/COMMAND NAME		f. OFFICIAL TITLE	

REPORTER'S CERTIFICATION

I certify that the foregoing interrogatories and answers thereto are a true, complete and accurate transcription of the interrogatories propounded to and the answers by the above-named witness.

REPORTER

a. TYPED NAME (<i>Last, First, Middle Initial</i>)	b. SIGNATURE	c. DATE SIGNED (YYYYMMDD)
d. UNIT/COMMAND NAME		